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# CHARTER FOR CITY OF CHICO,



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# CHARTER

PREPARED AND PROPOSED FOR THE CITY OF  
CHICO, COUNTY OF BUTTE, STATE OF CALI-  
FORNIA, BY THE BOARD OF FREE-  
HOLDERS ELECTED JUNE 4, 1921,

In Pursuance of the Provisions of Section 8,  
Article XI, of the Constitution of the State of  
California.

## ARTICLE I.

### NAME, RIGHTS AND BOUNDARIES OF CITY

Sec. 1. The municipal corporation now existing and known as the City of Chico shall remain and continue a body politic and corporate in name and in fact by the name of "City of Chico," and by such name shall have perpetual succession.

1. The City of Chico shall remain vested with and continue to have, hold and enjoy all property, rights of property and rights of action of every nature and description now pertaining to this municipality, and is hereby declared to be subject to all the liabilities that now exist against this municipality.

2. The boundaries of the City of Chico are hereby recited to be as follows:

Beginning at the intersection of the northerly line of First Street with the westerly line of Oak Street of the City of Chico, according to the official map thereof on filed in the office of the County Recorder of Butte County; thence running easterly along the northerly line of First Street to the westerly right of way line of the Southern Pacific Railroad; thence northerly along said right of way line of the Southern Pacific Railroad to the southerly bank of Big Chico Creek; thence easterly along the southerly bank of Big Chico Creek to the easterly line of the right of way of the Southern Pacific Railroad; thence running northwesterly along the easterly line of said right of way of the Southern Pacific Railroad to the center line of Sacramento Avenue; running thence north-easterly along said line of Sacramento Avenue to the center line of Chestnut Street of Chico Vecino; running thence northwesterly along said line of Chestnut Street to the center line of First Avenue; running thence north-easterly along said line of First Avenue to the center line of North Ivy Street of the Klondike Addition to Chico; running thence northwesterly along said line of said North Ivy Street to the center line of Sixth Avenue of the said Addition; running thence northeasterly along said line of said Sixth Avenue to the center line of Ar-

cadian Avenue of Chico Vecino; running thence northwesterly along said line of Arcadian Avenue to the center line of Seventh Avenue of Chico Vecino; running thence northeasterly along said line of Seventh Avenue to the center line of the Esplanade; running thence southeasterly along said line of Sixth Ave.; running thence northeasterly along said line of Sixth Avenue to the center line of Laburnum Avenue; running thence southeasterly along said line of Laburnum Avenue to the center line of Fourth Avenue; running thence northeasterly along said line of Fourth Avenue to the center line of Spruce Avenue; running thence southeasterly along said line of Spruce Avenue to the center line of Third Avenue; running thence northeasterly along said line of Third Avenue to the easterly line of that certain alley that runs through Block 9 and 10 of the 14th Subdivision of the John Bidwell Rancho; running thence southeasterly along said line of said alley to the center line of First Avenue; running thence southwesterly along said line of First Avenue to the center line of Palm Avenue; running thence southeasterly along the center line of Palm Avenue produced to the northerly line of the Chico Cemetery; running thence easterly along said northerly line of the said cemetery to the northeasterly corner thereof; running thence southerly along the easterly line of the said cemetery to the southeasterly corner thereof; running thence westerly along the southerly line of the Cemetery Lane, said lane being that certain county road running north and south and connecting Sierra Avenue of the City of Chico with the aforesaid cemetery, being also a well known and established county road; running thence south along said center line of said lane to the southerly line of Vallambrosa Avenue, said avenue being an official county road and running along and adjoining the northerly line of Bidwell Park; Bidwell Park being that certain tract of land conveyed by Annie E. K. Bidwell to the City of Chico, dated July 10th, 1905, recorded in Book 83, Page 41 of deeds in the records of Butte County; following thence easterly along the southerly line of said road and the northerly line of said park to the easterly end of the twenty-second course as set forth in said deed, said course reading, North 54 degrees 00 minutes east, 2707.0 feet; said point being also known as station 23 of the said Park survey; being opposite and near the corner common to Lots 32 and 33 of the 19th subdivision of the John Bidwell Rancho; thence leaving the said southerly line of the said Vallambrosa Avenue and following the said northerly boundary of the said park the following courses and distances:

South 21 degrees 07 minutes east, 678.0 feet; thence

curving to the left on the arc of a circle with a radius of 50.0 feet a distance of 78.5 feet; thence north 68 degrees 53 minutes east, 117.0 feet; thence curving to the right on the arc of a circle with a radius of 100.0 feet a distance of 117.1 feet; thence curving to the left on the arc of a circle with a radius of 235.0 feet a distance of 708.2 feet; thence north 36 degrees 40 minutes west, 199.7 feet; thence curving to the right on the arc of a circle with a radius of 100.0 feet a distance of 73.2 feet; thence north 5 degrees 15 minutes east, 483.9 feet; thence curving to the right on the arc of a circle with a radius of 1400.0 feet a distance of 490.8 feet; thence north 25 degrees 20 minutes east, 291.6 feet; thence north 38 degrees 02 minutes west, 294.6 feet; to the southerly line of Vallambrosa Avenue; thence following easterly along the said line of Villambrosa Avenue, said line being also the northerly line of the said park, to the northeasterly corner of the 19th Subdivision of the John Bidwell Rancho, said point being also known as station 39 of the Bidwell Park survey; thence running at right angles to the northerly boundary of the said 19th Subdivision, north 21 degrees 03 minutes east, 60.0 feet to the northerly line of that certain county road which runs along and adjoins the said northerly boundary of the said 19th Subdivision of the John Bidwell Rancho and the northerly boundary line of the 18th Subdivision of the said Rancho; running thence westerly along said line of said road to its intersection with the northerly line of the said park, said point being north 40 degrees 10 minutes east, 61.0 feet from station 40 of said park survey; running thence along the said northerly boundary line of the said park north 40 degrees 10 minutes east, 715.6 feet to station 41 of the said survey; thence north 55 degrees 34 minutes east, 1120.0 feet to Station 42 of the said survey, said point being also the point of beginning mentioned in that certain deed describing a certain addition to the aforesaid Bidwell Park conveyed by Annie E. K. Bidwell to the City of Chico, dated May 11th, 1911, and recorded in Book 169, Page 146 of Deeds, Butte County Records; following thence along a line as described in said last mentioned deed, said line being the northerly line of the said lands as described in said last mentioned deed, north 50 degrees 45 minutes east, 6522.0 feet; thence north 78 degrees 24 minutes east, 1632.0 feet; thence north 82 degrees 02 minutes east, 2431.0 feet; thence north 61 degrees 06 minutes east, 3074.5 feet; thence north 34 degrees 08 minutes east, 6328.0 feet; thence north 44 degrees 45 minutes east, 4219.0 feet to a point on the northerly line of the Rancho Chico, said point being also Station 54 of the said Bidwell Park survey, said point being also mentioned in the

last mentioned deed; running thence easterly along the north line of the said Rancho Chico 2000.0 feet to the northeasterly corner of the said Rancho Chico in the center of Big Chico Creek; meandering thence down the center line of said creek to its intersection with the line dividing the north and south half of the southeast quarter of Section 9, Township 22 north, Range 2 East; running thence along said dividing line east 1915.0 feet to the edge of a bluff along the south side of Big Chico Canyon; thence following said edge of said bluff the following courses and distances; South 63 degrees 30 minutes west, 4580.0 feet, south 85 degrees 20 minutes west, 1760.0 feet; south 75 degrees 00 minutes west, 1400.0 feet; north 15 degrees 00 minutes west, 240.0 feet to a point near the south bank of Big Chico Creek; thence south 75 degrees 00 minutes west, 1550.0 feet to the northwesterly corner of the 21st Subdivision of the John Bidwell Rancho, said point being also Station 76 of the Bidwell Park Survey; following thence in a southerly and westerly direction along the northerly line of the said 21st subdivision, said line being also the southerly line of the aforesaid Bidwell Park, to its intersection with the northerly line of Centennial Avenue; thence westerly along said northerly line of Centennial Avenue to its intersection with the production of the easterly boundary line of the State Forestry; running thence westerly and following the easterly and northerly line of the said Forestry, said line being also the southerly line of the said Park, to the northwesterly corner of the said Forestry, being also Station 114 of the said Bidwell Park Survey; running thence along the said Park line the following courses and distances; South 16 degrees 36 minutes east, 20.0 feet; thence north 78 degrees 52 minutes west, 70.7 feet; thence north 89 degrees 15 minutes west, 201.5 feet; thence curving to the left on the arc of a circle with a radius of 400.0 feet a distance of 120.1 feet; thence south 73 degrees 33 minutes west, 324.2 feet; thence curving to the left on the arc of a circle with a radius of 250.0 feet a distance of 135.3 feet; thence south 42 degrees 33 minutes west, 155.7 feet; thence south 35 degrees 08 minutes west, 208.2 feet; thence curving to the left on the arc of a circle with a radius of 500.0 feet a distance of 158.2 feet; thence south 17 degrees 00 minutes west, 368.2 feet; thence south 7 degrees 13 minutes west, 612.0 feet; thence south 22 degrees 52 minutes west, 129.0 feet; thence south 29 degrees 45 minutes west, 235.0 feet; thence south 38 degrees 22 minutes east, 190.0 feet; thence south 51 degrees 38 minutes west, 402.0 feet; thence south 59 degrees 04 minutes west, 444.5 feet to the easterly line of Tulip street of the 13th Subdivision

of the John Bidwell Rancho, said point being also the easterly end of the northerly line of Woodland Avenue of the said subdivision; thence southerly along the easterly line of Tulip Street to the center line of Eighth Street, formerly known as Centennial Avenue; thence westerly along the center line of Eighth Street to the center line of Alder Street, formerly Sierra Street of the Ninth Subdivision of the John Bidwell Rancho; thence southerly along the center line of said Alder Street to the center of Little Chico Creek; thence meandering up the center of Little Chico Creek to its intersection with the easterly line of Chapman's North Addition to the City of Chico; thence southerly along the easterly line of Chapman's North Addition and the easterly line of Chapman Town to the intersection of said line with the center line of Irwin Street; thence easterly along the center line of Irwin Street to the center line of "C" Street of the Aisthorp Tract; thence southerly along the center line of "C" Street to the center line of 19th Street, formerly known as Cave Street of the Baker, Jones and Smith Subdivision; thence westerly along the center line of Cave Street to the center line of Laurel Street; thence southeasterly along the center line of Laurel Street to the center line of that certain alley, being the first alley northerly from Boucher Street of Henry's Second Addition to Chico; thence westerly along the center line of that certain alley to the center line of Mulberry Street; thence southeast along the center line of Mulberry Street to the center line of 20th Street, formerly known as Eighth Street of the Mulberry Tract; thence southwesterly along the center line of Eighth Street to the easterly line of Park Avenue; thence southeasterly along the easterly line of Park Avenue to its intersection with the most southerly line of the Fruitvale Additions produced; thence southwesterly along said southerly line of Fruitvale Additions to the southwesterly corner of said additions; thence northerly along the westerly line of said additions to the southerly line of South Sycamore Street of Barber's Addition to the City of Chico; thence northwesterly along said line of South Sycamore Street to its intersection with the southerly line of Block 21 to Barber's Addition to the City of Chico; thence along the southerly line of Block 21 and its production, which is the southerly line of Barber's Addition to Chico to a point one hundred (100) feet southeasterly from the intersection of the southeasterly line of Del Norte with said southerly line of Barber's Addition; thence running in a straight line to a point on the southerly line of Del Norte thirty (30) feet westerly from the intersection of said line with the southerly line of Bar-

ber's Addition to the City of Chico; thence in a straight line to the southwesterly corner of Block 22 of Barber's Second Addition to the City of Chico, which is on the northerly line of the property of the Diamond Match company; thence running northwesterly along said northerly line of the property of the Diamond Match company to the northerly corner thereof; thence running southwesterly along the northwesterly line of the property of the Diamond Match Company to its intersection with the westerly line of Thomasson's Addition to the City of Chico; thence northwesterly along the westerly line of said Thomasson's Addition, to the center of Little Chico Creek; thence meandering down the center of Little Chico Creek to the center line of the Dayton Road; thence southerly along the center line of the Dayton Road to the southerly line of Deveney's Addition to Chico; thence northerly along the southerly line of said Deveney's Addition to the City of Chico, to the southwesterly corner thereof; thence running in a straight line to a point in Little Chico Creek, which point is located by the intersection of the center line of Little Chico Creek and a line parallel to the westerly line of Oak Street drawn southerly from the westerly corner of Block 11 of Kemp's Addition to the City of Chico; thence northerly and parallel to the westerly line of Oak Street to the westerly corner of Block Eleven (11) of Kemp's Addition to the City of Chico; thence northwesterly along the westerly boundary of Kemp's Addition to the City of Chico to a point on said line 246.3 feet southerly from the southerly line of Fifth Street; thence southwesterly and parallel to the southerly line of Fifth Street to the northerly line of the right of way of the Sacramento Northern Railroad, formerly known as the Northern Electric Railroad; thence westerly along said northerly line of said right of way to its intersection with the production of the westerly line of Bryant's Addition of the City of Chico; thence northerly along said westerly line of Bryant's Addition to the City of Chico to the westerly line of Oak Street of said city, aforementioned; thence northerly along said westerly line of Oak Street to the point of beginning.

## ARTICLE II. POWERS OF THE CITY.

Sec. 1. The City of Chico shall have and exercise the following powers:

1. To have perpetual succession.
2. To have and use a corporate seal and alter it at pleasure.
3. To sue and be sued in all courts and places, and in all actions and proceedings whatsoever.

4. To purchase, receive, have, take, hold lease, and use and enjoy property of every kind and description, both within and without the limits of said City, and to control and dispose of the same for the public benefit.

5. To receive bequests, devises, and donations of property of every kind, either absolutely or in trust for any purpose, and to do all acts necessary to carry out the purposes of such bequests, devises and donations, and to manage, control, sell or otherwise dispose of such property in accordance with the terms of such bequests, devises or donations.

6. To exercise police powers and make all necessary police and sanitary regulations, and to adopt ordinances and prescribe penalties for the violation thereof.

7. To levy and collect taxes and assessments, impose license fees for revenue or regulation, and provide all means for raising the revenue necessary for the city.

8. To borrow money, incur municipal indebtedness and provide for the issuance of bonds or other evidences of such indebtedness.

9. To acquire, construct, maintain and operate all necessary works for and supplying of the City and its inhabitants with water, light, heat, power, telegraphic, and telephonic communication, and for the conveyance of passengers and freight over, under and upon public streets and rights of way secured therefore; to fix rates for all commodities furnished or services rendered, and to dispose of commodities produced or render service in connection with such works outside of the boundaries of said City.

10. To improve the streams and channels flowing through the City or adjoining the same; to widen, straighten and deepen the channels thereof, and remove obstructions therefrom; to construct and maintain embankments and other works to protect the City from overflow.

11. To establish and change the grade and lay out, open, extend, widen, change, vacate, pave, re-pave, or otherwise improve all public streets and highways and public places, construct sewers, drains and culverts, to plant trees, construct parking, and to remove shrubs and woods; to levy special assessments to defray the whole or any part of the cost of such works or improvements. Also to provide for the repair, cleaning and sprinkling of such streets and public places.

12. To acquire, construct and maintain all works necessary for the disposition of sewage, garbage and waste; and to define and abate nuisances.

13. To establish and maintain hospitals, indigent homes, and all other charitable institutions.

14. To acquire and maintain parks, play-grounds,

and places for recreation, and to establish boulevards and regular traffic thereon.

15. To acquire and maintain markets, baths, and public halls and auditoriums.

16. To establish and maintain schools, libraries, museums, art galleries, and gymnasiums, and to do all things to promote the education of the people.

17. To equip and maintain a fire department and to make all necessary regulations for the prevention of fires.

18. To acquire, construct and maintain all buildings necessary for the transaction of public business.

19. To exercise the right of eminent domain for the purpose of acquiring real and personal property of every kind for any public use.

20. To grant temporary permits to use the streets or public property, revokable at any time without notice.

21. To regulate and establish rates and charges to be imposed and collected by any person or corporation for commodities or services rendered under or in connection with any franchise, permit or license heretofore or hereafter granted by the town or city or other authority.

22. To exercise such other powers as are now or may be hereafter granted by the legislature to the municipalities within the state unless the exercise of such powers is contrary to the provisions of this charter.

23. To exercise all other needful powers for the efficient administration of the municipal government, whether such powers are herein expressly enumerated or not.

24. Lastly, this grant of power is to be liberally construed for the purpose of securing the well being of the municipality and its inhabitants.

### ARTICLE III.

#### ELECTIONS.

Sec. 5. General municipal elections shall be held on the second Monday in April of each odd numbered year. The first election under this charter shall be held on the second Monday in April, 1923.

Sec. 6. CALLING THE ELECTION: The Council shall by ordinance order the calling and the holding of elections. Such ordinance shall specify the objects, time and places within the City for holding such elections, and the names of the inspectors, judges of election, and clerks for each voting precinct into which the City shall be divided for the holding and making returns of such elections. The number of election officers at each precinct shall not exceed six in number, at least three of whom shall be present at all times during the election.

Said ordinance shall be published once each week in a local paper of general circulation during the two weeks next before the time appointed for holding the election.

Sec. 7. FILING THE RETURNS: The returns from each election precinct shall be filed with the Clerk, and no person shall be permitted access to them until canvassed by the council. After having been canvassed they shall be sealed up by the Clerk for six months and no person shall have access to them except on order of a court of general jurisdiction.

Sec. 8. NOTIFYING THE SUCCESSFUL CANDIDATES: After the result of an election is declared, the Clerk, under his hand and official seal, shall issue a certificate thereof and serve the same personally or by mail upon the person elected.

Sec. 9. PROVISIONS OF STATE LAW TO APPLY: The provisions of the laws of the State of California relating to the qualifications of electors, the manner of voting, the duties of election officers, and all other particulars in respect to the management of elections, so far as they may be applicable, shall govern all municipal elections, except as otherwise provided in this Charter.

Sec. 10. TERMS OF ELECTIVE OFFICERS: Elective officers shall hold office for a period of four years, from and after eight o'clock P. M., of the third Monday of April following the day of election, and until their successors are elected and qualified.

Sec. 11. In the election of councilmen at the first general municipal election, where full terms and one or more unexpired terms are to be filled, the person or persons elected by the highest number of votes shall be elected for the full term, and the person or persons receiving the next highest vote shall be elected for the short term or terms, as the case may be.

#### ARTICLE IV. LEGISLATIVE.

##### **THE COUNCIL: POWERS AND DUTIES**

Sec. 14. The legislative power of the City of Chico shall be vested in a body to be designated The Council, and in the people through the initiative and referendum.

Sec. 15.—MEMBERSHIP, TERMS, ETC.; The Council shall consist of five members elected by the voters of the city at large, for four years. Councilmen shall serve until the election and qualification of their successors. Provided, however, the Council shall have power to divide the city into five wards and to provide for the election of one councilman from each ward by the electors of the whole city.

In the first election the three candidates receiving the highest votes shall serve for four years, and the next two highest for two years. Thereafter members of the

council shall be elected for four years, unless elected to fill vacancies, in which case they shall be elected for the remainder of the unexpired term. All members are subject to recall as provided for in this charter. At the time of election, each candidate shall have been an elector of the city for at least three years next preceding the date of the election.

Sec. 16. MEETINGS AND COMPENSATION: The Council shall meet in regular session at 8 P. M. the first Tuesday of each month, and at such other times as it may determine. The meeting shall be held in the municipal building and shall be open to the public. A special meeting may be called by the mayor, or by any three members. Written notice of such special meeting must be given, not less than three hours before meeting, to each and every member of the Council in the city.

Sec. 17. QUORUM. Three members of the Council shall constitute a quorum.

Sec. 18. GENERAL POWERS OF THE COUNCIL: Subject to the provisions and restrictions in this charter contained, and the valid delegation by this charter of any of the powers hereinafter included to any person, officer, board or committee, which delegation of power, if any shall control, the council shall have the power in the name of the city to do and perform all acts and things appropriate to a municipal corporation and the general welfare of its inhabitants and which are not specifically forbidden by the constitution of the state or which now or hereafter it would be competent, for this charter specifically to enumerate. No enumeration or specific statement herein of any particular powers shall be held to be exclusive of, or a limitation of the foregoing general grant of powers.

Sec. 19. CERTAIN POWERS AND DUTIES ENUMERATED: The Council shall:

1. Judge of the qualifications of its members and of all election returns.

2. Establish rules of its proceedings.

3. Keep a correct journal of its proceedings. The ayes and noes shall, on demand of any member, be taken and entered therein; and they shall be recorded on all final votes passing any ordinance or resolution, appointing or dismissing any official, and in giving definite direction to any officer.

4. Choose one of its members as presiding officer, to be called mayor, for the term of two years. The mayor shall preside over the sessions of the council, shall sign official documents, when the signature of the council is required by law, and he shall act as the official head of the city on public occasions. When the mayor is absent the members of the council may choose one of their own

members to act as mayor pro tem, and he shall for the time being, have the powers of the mayor.

5. Appoint a city clerk and fix his duties and compensation. The clerk shall perform all the duties prescribed by the council and now or hereafter required of him by the laws of the state when not inconsistent with this charter.

6. Appoint a City Assessor and fix his compensation, which office may be combined with that of City Clerk.

7. Appoint a City Tax Collector and fix his compensation.

8. Appoint a City Attorney and fix his compensation.

9. Appoint a City Manager and fix his compensation.

10. Appoint a board of five library trustees.

11. Appoint a board of five park and playground commissioners.

12. Appoint a board of five sidewalk tree commissioners.

13. Provide for the election of a City Treasurer and fix his compensation.

14. Provide for the election of a Police Judge and fix his compensation.

15. Have power to remove any appointee of the Council from his office at the pleasure of the Council by a three-fifths (3-5) vote.

Sec. 20. ORDINANCES: The enactment clause of every ordinance passed by the council shall be: "Be it ordained by the Council of the City of Chico." Ordinances initiated by the people shall have an enacting clause: "Be it ordained by the people of the City of Chico." At least five days must elapse between the introduction and the final passage of any ordinance. A final vote on any ordinance or any vote on any appropriation must be taken only at a regular or adjourned regular meeting. All ordinances must be published once in the official newspaper of the City, or in such other form that it may be sent to the voters. The Council shall determine in any case which method is to be used. Any ordinance granting any franchise or privilege shall be published at the expense of the applicant therefor.

It is provided further, that in case of an extraordinary epidemic or any disaster, such as flood, fire, earthquake, requiring immediate action on the part of any public authorities, an urgency ordinance may be introduced and passed at either a regular or special meeting without any intervention of time between introduction and final passage.

Sec. 21. WHEN ORDINANCES GO INTO EFFECT: Except as herein provided, no penal ordinances, or measure passed by the council, granting any franchise

or privilege, and no ordinance or measure making or authorizing any contract except contracts for improvements, the expenses whereof are to be defrayed by local assessment, and contracts where the subject matter involved is of less value than five hundred dollars, shall go into effect in less than thirty days after its final passage. But ordinances and contracts declared by the Council to be necessary as emergency measures for the immediate preservation of the public peace, health or safety, containing the reasons for their urgency, passed by a four-fifths vote of the whole Council, and not obligating the city for a longer period than one year, may go into effect at the will of the Council, or as otherwise provided by law.

Sec. 22.—AMENDING ORDINANCES: No ordinance shall be revised, re-enacted or amended by reference to its title; but the ordinance to be revised or re-enacted or the section thereof to be amended, shall be re-enacted at length as revised and amended. Any ordinance revised, re-enacted or amended contrary to the provisions of this section shall be void.

Sec. 23. GENERAL CITY WORK: In the erection, improvements and repair of all public buildings and works, in all street and sewer work, and in all work in and about streams or in and about embankments or other works for protection against overflow and erosion, and in furnishing any supplies and materials for the same, or for any other use by the City, when the expenditure required for the same exceeds the sum of Five Hundred Dollars (\$500.00), the same shall be done by contract, and shall be let to the lowest responsible bidder, after advertising for sealed proposals for the work contemplated in at least one issue of the official newspaper. Such notice shall distinctly and specifically state the work contemplated to be done. Except that where plans and specifications or both have been adopted and filed with the City Clerk, reference may be made thereto in the notice. Provided, however, the Council may reject any and all bids, if deemed excessive, and readvertise for bids, or provide by a four-fifths vote, for the work to be done by the City Manager. In case no bid is received, the Council may likewise provide for the work to be done by the City Manager.

Sec. 24. CONTRACTS FOR OFFICIAL ADVERTISING: The Council shall let annually contracts for the official advertising for the ensuing fiscal year. For this purpose the Council shall advertise in at least one issue of the official newspaper, setting forth distinctly and specifically the work contemplated to be done, and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used at the rate

or rates named in the bids. The Council shall let the contracts for such official advertising to the lowest responsible bidder publishing a daily newspaper in the City which is a newspaper of general circulation and has been in existence at the time of the awarding of the contract at least one year; provided that the Council may reject any and all bids if found excessive, and advertise for new bids. The newspaper to which the award of such advertising is made shall be known and designated as the "official news paper."

In no event shall the rate for official advertising exceed the usual rate charged by the paper for publishing legal notices.

Sec. 25. COUNCILMEN INELIGIBLE TO OTHER CITY POSITIONS: No councilman shall be eligible to appointment on any board or commission provided for in this charter except as designated in the charter or state laws.

Sec. 26. VACANCIES IN THE COUNCIL: A councilman who is absent three consecutive regular meetings shall forfeit his seat unless excused by the Council for cause. Any vacancy occurring in the Council shall be filled by a person appointed by a majority vote of the Council. Said person so appointed shall serve until his successor is elected, which shall be done at the next regular election at which councilmen are chosen.

Sec. 27. COMMITTEES OF COUNCIL: The Council shall appoint such standing and other committees as it deems necessary.

Sec. 28. SALE OR LEASE OF CITY PROPERTY: No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of four-fifths of all the members, and no lease shall be made for a period longer than five years except by ordinance adopted by the Council.

Sec. 29. EXPERT ACCOUNTANT: At least once each year the Council shall appoint and fix the compensation of an expert accountant who shall investigate the transactions and accounts of all officers having the collection, custody or disbursement of public money, or having the power to approve, allow, or audit demands on the treasury, and bring in such report as the council may require.

Sec. 30. OFFICIAL BONDS: The Council shall, by ordinance, determine what officers shall give bonds for the faithful performance of their duties, and shall fix the amounts of such bonds; and each of such officers shall, before entering upon the duties of his office, execute a bond to the City in the penal sum provided by the ordinance, including in the same bond the duties of all offices of which he is made, by this charter, or

otherwise, ex-officio incumbent. Such bonds must be examined and approved by the Council. Bonds given by the councilmen shall be approved by the City Attorney. All bonds when approved shall be filed with the City Clerk, except the City Clerk's bond, if any, which shall be filed with the Treasurer. All the provisions of any law of this state relating to the official bonds of officers as then existing shall apply to such bonds except as herein otherwise provided. Every officer of the city, before entering upon the duties of his office, shall take and file with the City Clerk the constitutional oath of office, except that of the City Clerk, which shall be filed with the Treasurer.

#### **ARTICLE V. FINANCIAL.**

##### **APPROPRIATIONS; BUDGET; TAX RATE.**

Sec. 34. THE ESTIMATE: The fiscal year of the city shall begin on the first day of January. On or before the second Tuesday in August of each year, the manager shall submit to the Council an estimate of the revenues and expenditures of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments, on blanks to be furnished by the city manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for all departments, and shall give the following information:

1. A detailed estimate of the expenses of each department;

2. Expenditures for corresponding items for the last and for the current fiscal years, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.

3. Such information as may be required by the Council or as the manager may deem advisable to submit;

4. The recommendations of the manager as to the amounts to be appropriated, with reasons therefor, in such detail as the Council may direct;

5. Sufficient copies of such estimate shall be prepared and submitted, that there may be copies on file in the office of the Clerk for the inspection of the public.

Sec. 35. BUDGET: After the estimate of expenses for each department, specified above, have been filed with the city manager, the manager shall proceed to make a tentative budget of all the different departments and submit it to the Council, making a copy for each member.

After the completion of such budget the same shall

form the basis for the rate of taxes for the succeeding fiscal year.

Sec. 36. APPROPRIATION ORDINANCE: Upon receipt of such estimate, the Council shall prepare and publish a tentative appropriation ordinance, shall fix a time and place for holding a public hearing upon the same, not less than ten days after such publication, and shall give public notice of such hearing, but shall not pass the final appropriation ordinance earlier than ten days after such public hearing.

Sec. 37. TRANSFER OF FUNDS: At the time of fixing the tax levy, the Council shall, by ordinance, establish a general fund and the various funds as provided for by the budget, and no transfer of any money shall be made from any other than the general fund to another until the end of the fiscal year, at which time, after all demands have been paid out of the various funds, the Council may, at its option, transfer any remaining balance to the general fund, except such funds as remain to the credit of the Park, Library and Sidewalk Tree Commission; and the Council may then authorize a transfer from the general fund to any other in which there is an overdraft created by an actual emergency in the department, but under no other condition may such transfer be made.

Sec. 38. TAX RATE: The total tax rate for any one year shall not exceed one per cent of the assessed valuation, unless a special tax be authorized by a two-thirds majority of all votes cast at an election held after at least thirty days' notice in the published call for the election; and the proceeds of all such special tax shall be used for no other purpose than that specified in said call; provided, however, that in addition to said one per cent there shall be included in every annual levy, a sufficient amount to cover all liabilities of the city for principal and interest of all bonds or judgments due and unpaid, or to become due during the ensuing fiscal year and not otherwise provided for.

Provided further, that in addition to the above taxes mentioned, there shall be levied a tax not to exceed twenty cents on each one hundred dollars of assessed valuation for the Library fund; and further there shall be levied a tax not to exceed thirty-five cents on each one hundred dollars of assessed valuation for the support of parks and playgrounds; provided further, that there shall be levied a tax not to exceed two cents on each one hundred dollars of assessed valuation for the support of the Sidewalk Tree Commission; provided further, that the Council may in its discretion levy a tax not to exceed thirty cents on each one hundred dollars of assessed valuation for the purpose of paving or

re-paving streets or sidewalks and gutters in front of property belonging to the City.

Sec. 39. THE CITY ASSESSOR shall on the first Monday in March of each year assess all property in the City.

Sec. 40. EQUALIZATION: On the first Monday in July in each year, and daily thereafter until and including the following Saturday, or for such further time as they may find necessary, the Council shall meet as a Board of Equalization, for the hearing and adjudication of all complaints regarding the description, valuation or ownership of assessed property, or the omission of property which should be assessed. Notice of the time and place of such meeting shall be published.

At such meetings the Council shall publicly order, and the Assessor shall enter upon the tax roll, all such corrections as may be adjudged equitable. In case of any additional assessment, the Assessor shall immediately send written notice of the same to the person assessed,

Sec. 41. THE TAX RATE FIXED: After approval by the Board of Equalization, the tax roll shall be certified by the Clerk, and shall be subject to no further alteration. It shall then be delivered to the Clerk, who shall, within ten days, ascertain and certify to the Council the total valuation of real estate, improvements and personal property. The Council, in view of this and the estimate of income and expenses submitted by the manager, shall, at its first regular meeting in October, proceed to fix the rate of taxation for the coming year and to apportion the estimated proceeds thereof to the several purposes indicated in the budget.

Sec. 42. EXTENSIONS: The Clerk shall at once proceed to extend upon the tax roll, the tax due upon each item, according to the rate fixed by the Council, and a lien in favor of the city as of the first Monday in March of each year in the amount due, together with penalties attached, shall lie automatically against the real property assessed to the delinquent owner, until all taxes due from him are paid.

Sec. 43. TIME OF PAYMENT OF TAXES: The taxes so levied shall become due and payable the first Monday in December of each year and become delinquent the last Monday in December of each year.

Sec. 44. COLLECTION: After completion of the tax roll, the Clerk shall deliver the roll to the Collector, who shall prepare a bill of taxes due from each tax payer owning real property, on which shall be shown the valuation of each parcel of such owner's property, whether real estate, improvements, or personality, the rate of assessment, the total amount due on each parcel with the dates when due and when delinquent, and the penalties

for delinquency; and not later than the first day of November, he shall mail to each tax payer, or to his authorized agent, whose address is known to him, a duplicate of said bill and shall receive and receipt for all taxes and penalties paid and shall then return the tax roll to the Clerk. The Tax Collector shall note upon the tax roll all collections as made, shall make a daily report to the Clerk of the amount collected, and make daily deposit of the same with the Treasurer.

Sec. 45. PROCEDURE FOR MUNICIPAL TAXATION: Except as in this Article otherwise provided, the assessment of property taxable in the City for municipal purposes, the equalization of assessments and collection of taxes, the sale of property for unpaid taxes and the redemption of property sold for taxes, shall be made and had at the same time and manner, and with like effect, as now or may be hereafter provided by law for the assessment of property, equalization of assessments, levy and collection of taxes and sale of property for unpaid taxes for state and county purposes and redemption thereof; and all provisions of law applicable to such assessment, equalization, levy, collection and sale for state and county purposes are hereby applied to and shall be the law governing such assessment, equalization, levy, collection and sale for municipal purposes, and the respective officers of the city shall have, possess, and perform the same powers and duties in all matters concerning revenue and taxation for municipal purposes as are by law conferred or imposed upon county officers in matters concerning revenue and taxation for state and county purposes.

Sec. 46. SPECIAL TAXES AND BONDS: Whenever the Council shall determine that the public interest demands an expenditure for municipal purposes, which cannot be provided for out of the ordinary revenues of the city, it may submit to the qualified voters at a regular or special election a proposition to provide for such expenditure, either by levying a special tax, or by issuing bonds, but no such special tax shall be levied, nor any such bonds issued, unless authorized by the affirmative votes of two-thirds of the electors voting at such election. No bonds shall be issued to meet current expenses.

Sec. 47. LIMIT OF BONDED INDEBTEDNESS: The bonded debt of the city shall at no time exceed a total of fifteen (15) per cent of the assessed valuation of all property taxable for the city purposes, and of this fifteen per cent not more than one-half, or seven and one-half ( $7\frac{1}{2}$ ) per cent of the assessed valuation shall at any time be outstanding for improvements of a non-income producing character, except as provided in the next section.

Bonds to a total amount, not exceeding seven and one-half (7½) per cent of said valuation, may be set apart and excluded from said limit of fifteen (15) per cent whenever any public utility or utilities for which they may have been issued, shall produce a net income above all charges for operation and depreciation sufficient to pay the principal and interest of the bonds so set apart and excluded as they become due.

Sec. 48. INVENTORY OF CITY ASSETS: The City Manager shall, immediately upon taking office and annually thereafter, inventory and appraise the value of all real estate, buildings, furniture and fixtures, supplies, and moveable property of every kind and nature whatsoever, in each department, building and office of the city, and may require of each officer or department head an inventory of the same; and any officer, or department head who neglects or refuses to make such inventory required by the City Manager shall be punishable by removable from office. The annual balance sheet taken from the city ledger shall exhibit, under classified heads, all assets of the city, including its plant, equipment, material and supplies, cash on hand, investments, loans, and all amounts and accounts due and owing, of every character. In like manner such balance sheet shall show, under classified heads, all liabilities of every character. A copy of every contract hereafter entered into, to which the city is a party, duly verified by the City Clerk to be a full, true and accurate copy, shall be filed by the City Clerk with the City Manager within ten days after the same shall have been executed.

#### ARTICLE VI.

#### POLICE COURT; JUDICIAL, LEGAL AND EXECUTIVE OFFICERS.

Sec. 50. POLICE COURT: The judicial power of the city shall be vested in a police court, which court is hereby established. The police judge of the city shall hold said police court and said court shall have jurisdiction concurrently with the justice's courts, of all actions and proceedings, civil and criminal, arising within the corporate limits of the city, and which might be tried in such justice's court. Said police court shall have exclusive jurisdiction of all actions for the recovery of any fine, penalty or forfeiture prescribed for the breach of any ordinances of the city; of all actions founded upon any obligation or liability created by any ordinance; and of all prosecutions for any violation of any ordinance. The rules of practice and mode of proceeding in said police court shall be the same as are or may be prescribed by law for justice's court in like cases. Appeals may be taken to the Superior Court of the county in which the City of Chico is located, from all judgments of said

police court, in like manner and with like effect as in cases of appeals from justices' courts.

Sec. 51. The police judge shall be judge of the police court and shall have the powers and perform the duties of a magistrate. He may administer and certify oaths and affirmations.

Sec. 52. In all cases in which the police judge is a party, or in which he is interested, or when he is related to either party by consanguinity or affinity within the third degree, or is otherwise disqualified, or in case of sickness or inability to act, the police judge may call upon any justice of the peace residing in the county to act in his stead.

Sec. 53. The City Council shall have power to unite the office of the Police Judge and City Clerk. The Council may appoint the justice of the peace of the township in which the City of Chico is located, as Police Judge.

Sec. 54. CITY ATTORNEY: The City Attorney shall be an elector of the City at the time of his appointment, and shall be an attorney and counselor-at-law duly admitted to practice by the Supreme Court of the State of California. He shall have been engaged actually in the practice of his profession for a period of at least four years next before his appointment.

Sec. 55. It shall be his duty to prosecute, on behalf of the people, all criminal cases before the Police Court and justices of the peace, for all violations of this character and of city ordinances. It shall be his duty to attend to all suits and other matters to which the City is a party or in which the City may be legally interested. He shall be in attendance at every meeting of the Council, unless excused therefrom.

He shall give his advice or opinion in writing whenever required by the Council, other city officers, or the Board of Education. He shall be the legal adviser of all city officers; he shall approve the forms of all bonds given to and all contracts made with the City; he shall, when required by the Council, or any member thereof, draft all proposed ordinances for the City, and amendments thereto; and shall do and perform all things touching his office as the City Manager may require of him, and at the expiration of his term shall surrender to his successor all books, papers, and documents pertaining to the City's business.

Sec. 56. THE TAX COLLECTOR shall perform such duties as are prescribed by this charter, by ordinance, and by general law. The Council may designate the Chief of Police as Tax Collector.

Sec. 57. THE TREASURER shall be the custodian of all moneys of the municipality, and shall keep and pre-

serve the same in such place or places as may be determined by the Council. He shall pay out money only on warrants issued by the City Clerk as the Council shall direct.

Sec. 58. THE ASSESSOR shall perform all duties prescribed by this charter, by ordinance and by general law, for assessing property for the purpose of taxation. The assessment of property within the city shall be made for each year by the Assessor, and he shall employ such clerical assistance, in the judgment of the council, as may be required to properly prepare such assessment.

Sec. 59. THE MAYOR: The Mayor shall be recognized by the courts as the official head of the city for the purpose of serving civil process, by the Governor for the purpose of military law, and shall represent the city for all ceremonial purposes.

**ARTICLE VII.**  
**CITY MANAGER.**  
**POWERS AND DUTIES.**

Sec. 60. The City Manager need not be resident of the State of California at the time of his appointment. He shall hold office until removed by a three-fifths vote of the whole Council.

Sec. 61. His powers and duties shall be.

1. To see that all ordinances of the City are enforced.

2. To appoint and fix the salaries, except as otherwise provided in this charter, of all heads of departments, subordinate officials and employes in the Department of Administration and the Department of Public Utilities, and to remove the same. All salaries shall be fixed subject to the approval by the City Council.

3. To exercise general supervision and direction over all persons, firms, companies and corporations owning, controlling or operating public utilities within the city limits, insofar as any of them are subject to municipal control. This provision is subject to other charter provisions relative to such public utilities as now are or may hereafter be owned by the city;

4. To keep the Council fully informed as to compliance with the law in the operation of public utilities within the city limits; to see that the provisions of franchises, permits and privileges granted the City are fully observed, and to report to the Council any violation thereof;

5. Board of Social Service. To appoint a board of social service, which shall, under him, have charge of all matters pertaining to the care and relief of the needy, the establishment of employment bureaus, day nurseries and the like. Said board shall, under the City Manager, have charge of the expenditure of the relief fund pro-

vided by the Council. It may receive and distribute gifts from private individuals and from institutions. Its appointed members shall serve without compensation;

6. To act as purchasing agent for all departments of the city except those of education and recreation. In those departments he shall assist in making purchases when requested to do so by the respective boards in control thereof;

7. To attend all meetings of the Council unless excused therefrom by the Council or by the Mayor;

8. To examine or cause to be examined, without notice, the conduct of any officer or employe in the departments of Administration and Public Utilities;

9. To keep the Council advised as to the needs of the City;

10. To appoint a secretary, whose compensation shall be fixed by the Council;

11. To prepare or cause to be prepared, plans, specifications, etc., for work, which the Council may order, coming under his supervision;

12. To have control, subject to such ordinances as may from time to time be adopted, of all public utilities owned and operated by the City;

13. To devote his entire time to the interests of the City;

14. He may appoint advisory boards of such number of members as he may deem best, to confer with him and assist him in his management. Members of advisory boards shall serve without pay.

15. The City Manager may appoint a street superintendent, and may combine in one appointment the offices of street superintendent and city engineer. The street superintendent shall be head of the street department.

16. The City Manager shall be ex-officio member of the Board of Social Service.

Sec. 62. In the absence or disability of the City Manager, the Council shall fill the vacancy by temporary appointment.

Sec. 63. CITY ENGINEER: The City Manager shall appoint a city engineer. He must be a civil engineer, who has practiced his profession not less than five years. The city engineer shall possess the same power in making surveys, plats and certificates as is given by law to city engineers and to county surveyors. He shall be the custodian of and shall be responsible for, all maps, plans, profiles, field notes and other records and memoranda belonging to the city, and pertaining to his office and to the work thereof; all of which he shall keep in proper order and condition, with full indexes thereof, and shall turn over the same to his successor, taking from him duplicate receipts therefor, one of which he

shall file with the clerk. All maps, plans, profiles, field notes, estimates and other memoranda of surveys and other professional work made or done by him or under his direction or control, during his term of office, or that he may have received from his predecessor, shall remain the property of the city.

#### ARTICLE VIII. DEPARTMENT OF ADMINISTRATION.

Sec. 65. The Department of Administration, when herein referred to, shall be held to include the Department of Safety, the Department of Streets, which department is hereby created, and also, (subject to the city ordinances and general law) the control of all street and sewer work, the erection and repair of all buildings, (except such as may be under the control of the Board of Education, the Library Board, or the Park Commission).

Sec. 66. The Department of Administration shall embrace all other executive and administrative functions of the city government not otherwise provided for, and shall be under the direction and control of the City Manager, subject to the limitations of this charter.

#### ARTICLE IX. DEPARTMENT OF PUBLIC SAFETY.

Sec. 69. The Department of Public Safety shall include a police department, a fire department, and a health department, which departments are hereby created. Said departments shall be under the control of the City Manager, subject to provisions of this charter otherwise provided.

Sec. 70. The Mayor may take command of the police and govern the city by proclamation during time of public danger and emergencies for a period not exceeding twenty-four hours and he shall himself be the judge of what constitutes such public dangers or emergencies; such command may be continued for a longer period by a majority vote of the City Council at a special meeting called for that purpose.

Sec. 71. POLICE DEPARTMENT: The City Manager shall appoint a chief of police and shall appoint and remove subordinates in the police department subject to the provisions herein stated. The chief of police shall make rules and regulations for the government of the police department, subject to approval by the City Manager. The City Manager shall be the sole judge as to the fitness of applicants for positions in the police department.

Sec. 72. FIRE DEPARTMENT: The City Manager shall appoint the chief of the fire department and shall appoint and remove subordinates in said department subject to the provisions hereinafter stated. The chief

of the fire department shall make rules and regulations for the government of the fire department, subject to the approval by the City Manager, and shall exercise such powers as are provided by state law or as are or may be provided by ordinance.

Sec. 73. **HEALTH DEPARTMENT:** The City Manager shall appoint a health officer. He shall hold office during the pleasure of the City Manager and shall be head of the Health Department. As health officer, he shall have all the powers and shall be subject to all the duties conferred on Boards of Health and on health officers by the general laws of the state, and shall have such other powers and duties as may be conferred by ordinance. This office may be combined with some other if deemed advisable by the Council.

#### **ARTICLE X.** **DEPARTMENT OF EDUCATION.** **SCHOOLS AND LIBRARIES.**

Sec. 81. **BOARD OF EDUCATION:** The control of the Public School Department of the City of Chico, including the whole of Chico School District, shall be vested in a Board of Education, which shall consist of five members elected from the district at large. They shall receive no compensation, and their term of office shall be for four years.

Sec. 82. In the first election for members of the Board of Education under this charter the three candidates receiving the highest vote shall serve for four years, and the next two highest for two years. Thereafter members of the Board of Education shall be elected for four years, unless elected to fill vacancies, in which case they shall be elected for the balance of the unexpired term. Members of the Board of Education shall be subject to recall as provided in this charter.

Sec. 83. The powers and duties of the Board of Education shall be such as are prescribed by the constitution and laws of the State of California covering city boards of education.

Sec. 84. Territory may be annexed to the Chico School District under this charter in the same manner as is provided by state law for the annexation of territory to cities for school purposes.

Sec. 85. The Board of Education shall organize and act as a High School Board as provided by the laws of the State of California.

Sec. 86. **LIBRARY TRUSTEES:** The Board of Library Trustees shall consist of five members, each to serve for four years, except that, at the first appointment under this charter, two shall be appointed for two years; three for four years; and thereafter appointments shall be for four years. In case of a vacancy in the

membership of said board, the same shall be filled by an appointee of the remaining members of the board for the remainder of the term then vacant. Library Trustees shall receive no compensation.

Sec. 87. The Board of Library Trustees shall maintain the Chico Free Library in accordance with the laws of the state governing free public libraries and reading rooms.

Sec. 88. **LIBRARY FUND:** The Board of Library Trustees shall have the management and disbursement of all funds regularly appropriated or received for the support of the public library. All bills, demands, or claims, after having been audited by said Library Board, shall be presented in the same form as other bills against the City of Chico, to the Council, and shall then be paid in the same manner as all other bills of said city, except that all library bills shall be paid out of the Library Fund, which fund is hereby established.

Sec. 89. The Board of Library Trustees shall also be the trustees and custodians of all museums, art galleries or academies of science, which may be established by gift or grant or otherwise in the City of Chico for the diffusion of mechanical, scientific, artistic or general knowledge and shall conduct the same under the general laws of the State of California unless otherwise provided for by the gift or grantor.

Sec. 90. The City Council, by ordinance, may create a fund for the maintenance of said institutions, the same to be raised by a special tax or as may be otherwise provided by general law or ordinance.

## ARTICLE XI.

### DEPARTMENT OF RECREATION.

#### BIDWELL PARK AND PLAYGROUND COMMISSION.

Sec. 93. The Council shall appoint a Board of Park Commissioners to be known as the Bidwell Park and Playground Commission, consisting of five members, each to serve four years, except that of the first appointments under this charter, two shall be appointed for a term of two years. Thereafter appointments shall be for four years. In case of a vacancy in the membership of said board, the same shall be filled by an appointee of the remaining members of the board for the remainder of the term then vacant. The members of the commission shall receive no compensation for their services. Three members shall constitute a quorum for the transaction of business. They shall elect a chairman and secretary to act for said Board.

Sec. 94. The commission shall have the full and exclusive power to govern, manage and direct all of the parks and playgrounds now owned by the City of Chico, and any and all which may hereafter be acquired; to

lay out, regulate and improve the same; to employ and appoint such superintendents, clerks, surveyors and engineers, supervisors, laborers and other officers and assistants as the commission deems necessary for the management of said parks and playgrounds and its affairs. The said commission shall have power, not to exceed the power conferred on the City of Chico by any deed of gift of any park or playground, to do and perform everything necessary for the care and management and improvement of any park or playground that the said City of Chico might do, conferring all of said powers on said commission, including the right to lease or let the whole or any portion of the city's parks or playgrounds under the terms and conditions of said gifts.

Sec. 95. The commissioners shall have authority and power to adopt such rules as they may deem necessary for the regulation, use and government of the parks and playgrounds under their supervision. Such rules, after being adopted, shall be published for at least one insertion in the official city paper, and shall be in effect thirty days after their passage, approval and publication; and all persons violating and offending against such rules and regulations shall be guilty of misdemeanor, and on the sentence of a competent court, shall be fined to an amount not to exceed one hundred (\$100.00) dollars or imprisoned in the city jail of the City of Chico not to exceed ninety (90) days or shall be subject to both fine and imprisonment.

Sec. 96. The commissioners may accept donations, legacies or bequests for the aid and improvement of the parks and playgrounds under their control, provided that all moneys that shall be derived from such donations, legacies or bequests, shall, unless otherwise provided for under the terms of such donations, legacies, or bequests, be deposited in the treasury of the City of Chico to the credit of the Bidwell Park and Playground Fund.

Provided further, however, that the commissioners may invest such donations, legacies or bequests, if not needed for immediate use in their judgment, in interest bearing securities of the United States Government, the State of California, municipal corporations or school districts, and the commission may change the form of such investment as they may deem best.

Sec. 97. The commissioners shall have the management and disbursement of funds regularly appropriated or received for the support of the parks and playgrounds under its control, provided, however, that all bills, demands or claims, after having been audited by the said commission, shall be presented to the Council of said

**City of Chico for payment out of the Bidwell Park and Playground Fund, which fund is hereby established.**

Sec. 98. The Council shall appoint a Commission to be known as the Sidewalk Tree Commission, consisting of five members, to serve for four years. Vacancies shall be filled by appointment of the Council. The members of this Commission shall receive no compensation. The City Manager and the City Engineer shall be ex-officio members of this Commission. In case these offices are combined, the Superintendent of Street shall be an ex-officio member of the Commission.

Sec. 99. The Commission shall have full and exclusive charge of the propagation, purchasing, planting, re-planting, pruning and care of the trees on the streets of the City; provided, however, that in the case of sidewalk tree planting, the property owner may have the option of selecting what specie of tree shall be planted. They shall have power to appoint superintendents, employes and assistants in the performance of their work. They shall not have, power, however, to remove any tree or trees, unless said tree or trees are dead or dangerous to public traffic, on the streets of the City without the consent of the owner or owners of the property fronting thereon and the approval of the Council.

Sec. 100. The Commission shall have the management and disbursement of all funds regularly appropriated or received for the execution of their work and the care of the sidewalk trees; provided, however, that all bills, demands or claims, after having been audited by the said Commission, shall be presented to the Council of the said City of Chico for payment out of the Sidewalk Tree Fund, which Fund is hereby created.

## **ARTICLE XII.**

### **PUBLIC WORKS AND SUPPLIES.**

Sec. 105. **FORM OF CONTRACT.** All contracts shall be drawn under the supervision of the City Attorney. All contracts must be in writing, executed in the name of the City of Chico by an officer or officers authorized to sign the same.

Sec. 106. **PROGRESSIVE PAYMENTS ON CONTRACTS.** Any contract may provide for progressive payments, if in the ordinance authorizing or ordering the work permission is given for such a contract. But no progressive payments can be provided for or made at any time which, with prior payments, if there have been such, shall exceed in amount at that time seventy-five per cent of the value of the labor done and the materials used up to that time, and no contract shall provide for or authorize or permit the payment of more than seventy-five (75) per cent of the contract price before the completion of the work done under said con-

tract and the acceptance thereof by the proper officer, department or board.

Sec. 107. EIGHT HOUR DAY. The maximum time of labor or service required of any laborer, workman or mechanic employed upon any municipal work, whether so employed directly by the City and its officers, or by a contractor or sub-contractor, shall be eight hours during any one calendar day.

Sec. 108. COLLUSION WITH BIDDER. Any officer of the City, or of any department thereof, who shall aid or assist a bidder in securing a contract to furnish labor, material or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the material or supplies for, or who shall knowingly accept materials or supplies of a quality inferior to those called for by the contract, who shall knowingly certify to a greater amount of labor performed than has been actually performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of a malfeasance and shall be removed from office.

Sec. 109. COLLUSION BY BIDDER. If at any time it shall be found that the person to whom a contract has been awarded, had, in presenting any bid or bids, been in collusion with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void, and the Council shall advertise for a new contract for said work or provide for such public work to be done by the City Manager.

### ARTICLE XIII. FRANCHISES.

Sec. 111. In granting franchises the City Council shall be governed by the general laws of the state in force at the time, and franchises shall be granted only upon the further conditions hereinafter provided.

Sec. 112. Every application for a franchise shall be accompanied by a cash deposit or certified check sufficient in amount to pay in full all costs of advertising and other preliminary expenses connected with the offering for sale of such franchises and the granting of the same, which deposit shall not be less than one hundred (\$100.00) dollars. Said deposit shall be returned in case the City Council shall determine that neither the public necessity nor the public interest requires the granting of the franchise, or in case the franchise be granted to a person other than said applicant. The cost of advertising and other costs hereinabove referred to connected with the offering for sale and granting of

said franchise shall be paid by the successful bidder for said franchise, and such payment shall be a condition precedent to the vesting of the franchise.

Sec. 113. Franchises may be granted by the City Council to the persons, firm or corporation only that shall bid therefor the highest percentage of the gross annual receipts arising from the use, operation or possession of such franchise, provided that such percentage shall be not less than two per cent.

In the event that any public utility shall be taken over by the City, by purchase or condemnation, the franchise shall have no value.

#### ARTICLE XIV.

##### INITIATIVE, REFERENDUM, AND RECALL.

Sec. 116. The laws of the State of California providing for the Initiative, Referendum, and Recall in cities, as they now exist or hereafter may be amended, are hereby made a part of this charter and all action under the Initiative, Referendum, and Recall in the City of Chico shall be taken in accordance with said laws.

#### ARTICLE XV.

##### MISCELLANEOUS PROVISIONS.

Sec. 121. All general laws of the state applicable to municipal corporations, now or hereafter enacted, and which are not in conflict with the provisions of this charter or with ordinances or resolutions hereafter enacted, shall be applicable to the city.

Sec. 122. Whenever in this charter the word "City" occurs, it means the City of Chico; and every department, board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Chico.

Sec. 123. The compensation of elected officers shall not be increased or diminished during the terms of their respective offices.

Sec. 124. If any officer of the city shall remove from the city, or absent himself therefrom for more than thirty days consecutively without the permission of the council, or if he shall fail to qualify by taking the oath of office and filing his official bond, whenever such bond is required, within fifteen days from the time his certificate of election or appointment is mailed or delivered to him, or if he shall resign, or if he shall be convicted of a felony, or if he shall be adjudged insane, his office shall be vacant.

Sec. 125. The improvement, widening and opening of streets, and all matters not specified in this charter, shall be done, and assessments therefore levied, in conformity with and under the authority conferred by general law.

Sec. 26. All officers and boards shall deliver to their

successors all papers, books, documents, records, archives and other properties pertaining to their respective offices or departments, in their possession or under their control.

Sec. 127. No member of the Council, or of any board, and no officer or employe of the city shall be or become directly or indirectly interested in any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the city treasury, nor shall either or any of them receive any gratuity or advantage from any contract or person furnishing labor or material for the same; and any contract with the city in which any such officer or employe is or becomes interested shall be declared void by the Council.

Sec. 128. No member of this Board of Freeholders shall accept any remunerative appointive office in the employ of the City of Chico, until two years shall have elapsed after this charter is approved by the Legislature.

Sec. 129. All officers, clerks, and assistants of the city and departments thereof, except such as may be employed for special purposes, must be citizens of the United States and residents of the City of Chico during their period of employment.

Sec. 130. No officer or employe of the city shall give or promise to give to any person any portion of his compensation, or any money or thing of value in consideration of having been, or of being nominated, appointed, voted for or elected to any office or employment.

Sec. 131. No officer or employe shall accept any donation or gratuity in money, or other thing of value, either directly or indirectly, from any subordinate or employe, or from any one under his charge, or from any candidate or applicant for any position as employe or subordinate in any department of the city.

Sec. 132. No officer or employe of the city shall aid or assist a bidder in securing a contract to furnish labor, or material or supplies at a higher price or rate than that proposed by any other bidder, or shall favor one bidder over another, giving or withholding information, or shall willfully mislead any bidder in regard to the character of the material or supplies called for, or shall knowingly accept materials or supplies of a quality inferior to that called for by the contract, or shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount of material or supplies than has actually been received.

Sec. 133. Every officer who shall willfully approve, allow or pay any demand on the treasury not authorized by law, shall be liable to the city individually and on his

official bond, for the amount of the demand so approved, allowed or paid, and shall forfeit such office and be forever disbarred and disqualified from holding any position in the service of the city.

Sec. 134. All city officials, except the tax collector and employes empowered to collect money for fees, permits, licenses, inspection, services, or other municipal charges, shall collect the same promptly at the time they become due, turn them into the city treasury weekly, and report the same to the city clerk. All such moneys and all fines or pecuniary penalties or forfeitures which may accrue to the city, and all funds which may remain in the possession of the city unclaimed after a period of one year from the date when due and payable, shall be credited to the General Fund of the city, and shall be applicable to any purpose to which the Council may appropriate them, and the Council shall appropriate from this fund whatever sum may be necessary to pay valid claims of more than one year's standing.

Sec. 135. All books and records of every office and department shall be open to the inspection of any citizen during business hours, subject to the proper rules and regulations for the efficient conduct of the business of such department or office; but the records of the police department shall not be subject to such inspection except by permission of the proper police authorities.

Sec. 136. Copies of extracts, duly certified, from said books and records open for inspection, shall be given by the officer having the same in custody to any person demanding the same and paying or tendering ten cents per folio of one hundred words for such copies or extracts, and the additional sum of twenty-five (25) cents for certifying.

Sec. 137. Unless otherwise provided for by law, all city officers, except the treasurer, shall keep their offices open for the transaction of business continuously from 9 o'clock A. M. to 5 o'clock P. M. each day, except Sundays and holidays.

Sec. 138. All ordinances and resolutions in force at the time this charter takes effect, and not inconsistent therewith, shall continue in full force until amended or repealed.

Sec. 139. This charter may be amended in accordance with the provisions of Section 8, Article 11, of the Constitution of the State of California.

Sec. 140. All officers and employes, when this charter takes effect, shall continue to hold and exercise their respective offices or employment, under the terms of this charter, until the election or appointment and qualification of their successors.

Sec. 141. The present Board of Trustees shall pro-

vide for the holding of the first election of officers under this charter and shall canvass the votes and declare the results thereof.

Sec. 142. All vested rights of the city shall continue and shall not in any manner be affected by the adoption of this charter, nor shall any right, liability, pending suit or prosecution, either in behalf of or against the city, be affected by the adoption of this charter, unless otherwise herein expressly provided. All contracts entered into by the city or for its benefits prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter shall be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this charter takes effect, may be carried to completion in accordance with the provisions of such laws.

Sec. 143. No councilman shall in any manner attempt to influence the city manager in the making of an appointment, or in the purchase of supplies.

Sec. 144. If any section or part of a section of this charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

Sec. 145. When making purchases for all departments of the city, local merchants shall be given the preference, quality and price being equal.

Sec. 146. Neither the city manager, nor any person in the employ of the city shall take any active part in securing, or shall contribute money toward the nomination or election of any candidate for a municipal office.

Sec. 147. All the powers of the city except as otherwise provided by this charter, are hereby vested in a council of five members.

Sec. 148. For the purpose of electing members of the Council, and members of the Board of Education, and elective officers of the city, and all purposes connected therewith this charter shall take effect from the time of its approval by the legislature. For the purpose of establishing departments, divisions and officers, and distributing the functions thereof, and for all other purposes, shall take effect on the third Monday of April, 1923.

WHEREAS, the City of Chico for years past has been and now is a city containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States; and

WHEREAS, on the 4th day of June, 1921, at a special election duly held on that day in said city, under and in accordance with the provisions of Section 8 of Article XI. of the Constitution of the State of California, the electors of said City did duly choose and elect Nellie A. Allen, John C. Burdon, W. J. Costar, W. B. Dean, L. G. Faulkner, Henry Haile, Ed. Harkness, W. W. Head, H. E. Nichols, M. C. Polk, S. A. Reynolds, H. A. Roth, A. M. Scott, Margaret Warren and John S. Waterland (who were all electors of said city and eligible as candidates under said section) a Board of fifteen Freeholders to prepare and propose a charter for the government of the said city; and

WHEREAS, the result of said election was duly declared by the legislative body, to-wit: the Board of Trustees of said city on the 7th day of June, 1921, and the said electors with the exception of the said S. A. Reynolds thereafter duly qualified as such Freeholders in accordance with law:

BE IT KNOWN, That in pursuance of the provisions of said constitution and within the period of one hundred and twenty days after the result of said election was so declared, the board of freeholders has prepared and does now propose the foregoing as and for the charter of the City of Chico; and

BE IT FURTHER KNOWN, That the said Board of Freeholders hereby requests said council to cause the publication of the said proposed charter as provided by said Section 8 of Article XI. and fixes Thursday, the 15th day of December, 1921, as the date for holding an election in said city, at which the proposed charter shall be submitted to the electors of said city for their ratification and adoption.

IN WITNESS WHEREOF, we the undersigned freeholders have hereunto set our hands at the City of Chico, County of Butte, State of California, this 16th day of September, 1921.

A. M. SCOTT, Chairman.  
M. C. POLK,  
W. B. DEAN,  
NELLIE A. ALLEN,  
MARGARET WARREN,  
ED. HARKNESS,  
W. J. COSTAR,  
JNO. S. WATERLAND,  
H. A. ROTH,  
W. W. HEAD,  
H. E. NICHOLS.

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